

Title	Court Interpreters Advisory Panel (amend Cal. Rules of Court, rule 6.51)
Summary	The proposed amendment to rule 6.51 would (1) focus the responsibilities of the Court Interpreters Advisory Panel (CIAP) and (2) change the panel's membership.
Source	Executive and Planning Committee
Staff	Ricardo Beacon; 415-865-7759; ricardo.beacon@jud.ca.gov
Discussion	<p>The purpose of the proposed amendment to rule 6.51 is to (1) distinguish the CIAP's duties to advise the Judicial Council from the employment and labor relations processes established by the Trial Court Interpreter Employment and Labor Relations Act (the act) (Gov. Code, § 71800 et seq.) and (2) establish membership that reflects the current stakeholders in a manner consistent with the act and reduce the panel's size.</p> <p>The proposed amendments clarify the focus of the CIAP in making recommendations to the Judicial Council on issues related to the court interpreter profession in California. The amendments reflect the change in court interpreter services mandated by the act. The legislation requires trial courts to make an orderly transition from the former practice of relying on independent contractors to perform interpreting services to the practice of relying mainly on interpreters hired by the courts as employees. The act also grants interpreter employees the right to "meet and confer" over terms and conditions of employment. This proposal would revise rule 6.51 to distinguish the CIAP's duty to advise the Judicial Council on policy issues from the employment and labor relations processes required by the act, and it would establish new panel membership consistent with the act.</p> <p>First, the amendments specify that the CIAP makes recommendations to the Judicial Council in certain policy areas to further the goals of (1) promoting access to language interpreters and interpreters for deaf and hearing-impaired persons and (2) assisting the Judicial Council in performing the duties specified by Government Code sections 68560 through 68566. The specific policy areas for which the panel would provide recommendations are specified in the proposed rule: interpreter use and need in court proceedings, initial certification and registration, certification and registration renewal, testing, recruiting, training, continuing education, and professional conduct.</p>

Second, the amendments would change the membership of the CIAP with the goal of ensuring broad representation of stakeholders in the profession and in the courts while remaining consistent with the act, as follows:

- (1) Four certified or registered court interpreters working as employees in trial courts, consisting of one from each of the four regions established by Government Code section 71807;
- (2) Two interpreters certified or registered in a language other than Spanish working either in a trial court as an independent contractor or in an educational institution;
- (3) One appellate court justice, who serves as chair;
- (4) Two trial court judges; and
- (5) Two court administrators, including at least one trial court executive officer.

The amended rule also would reduce panel membership to 11 members to establish a focused, purposeful body, consistent with recent council actions to reduce the size and foster the efficiency of its advisory committees. The proposed membership changes maintain the interpreter majority on the panel mandated by Government Code section 68565.

In addition, the amended rule provides for the appointment of nonvoting advisors as deemed necessary and appropriate. An interpreter qualified to interpret for deaf and hearing-impaired persons would be recommended as a nonvoting advisor to the panel, as a step towards ensuring that varied interpreter communities are appropriately represented on the panel and contribute to the panel's policy recommendations to the Judicial Council.

The Rules and Projects Committee invites comment on whether the proposed rule should be modified to require that a practicing attorney be a member of the panel.

Attachments

Rule 6.51 of the California Rules of Court would be amended, effective October 1, 2004, to read:

Rule 6.51. Court Interpreters Advisory Panel

- (a) **[Area of focus]** To assist the council in performing its duties under ~~the court interpreter legislation (Gov. Code, §§ 68560–68566)~~ Government Code sections 68560 to 68566, and to promote access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons, the advisory panel is charged with ~~shall make~~ing recommendations to the council ~~for~~ on:
- (1) interpreter use and need for interpreters in court proceedings; and
 - (2) implementing a comprehensive program to improve interpreting services in the courts certification, registration, renewal of certification and registration, testing, recruiting, training, continuing education, and professional conduct.
- (b) **[Additional duties duty]** ~~In addition to the duties described in rule 6.34, then~~ advisory panel shall:
- (1) ~~Propose new or amended rules, standards, and forms that provide for interpreter recruiting, training, testing, certification and certification renewal, continuing education, administration, and performance evaluation; and~~
 - (2) The advisory panel is charged with review and making recommendations to the council on the findings of the study of language and interpreter use and need for interpreters in court proceedings that is conducted by the Administrative Office of the Courts every five years under Government Code section 68563 and, no later than July 1, 2000, and every five years after that, submit to the council, for approval, a report on those studies to the Governor and the Legislature.
- (c) **[Membership]** The advisory panel consists of 11 members. A majority of the members ~~shall~~ must be court interpreters. The advisory panel ~~shall~~ must include ~~at least one~~ the specified numbers of members ~~from each of the~~ following categories:

- (1) ~~Trial court judicial officer;~~ Four certified or registered court interpreters working as employees in trial courts—one from each of the four regions established by Government Code section 71807;
 - (2) ~~Lawyer~~ Two interpreters certified or registered in a language other than Spanish, each one working either in a trial court as an independent contractor or in an educational institution;
 - (3) ~~Judicial administrators; and~~ One appellate court justice, who serves as chair;
 - (4) ~~Court interpreter~~ Two trial court judges; and
 - (5) Two court administrators, including at least one trial court executive officer.
- (d) [Advisors]** The Chief Justice may also appoint nonvoting advisors to assist the advisory panel.

California Government Code

68565. The Judicial Council may establish a court interpreters advisory panel to assist the council in performing its duties under this article. The panel shall include a majority of court interpreters and may include judges and court administrators, members of the bar, and others interested in interpreter services in the courts. The panel shall develop operating guidelines and procedures for Judicial Council approval.

The panel shall seek the advice of judges, attorneys, court administrators, court interpreters, providers of legal services, and individuals and organizations representing the interests of foreign language users.

Panel members shall receive no compensation for their services but shall be allowed necessary expenses for travel, board, and lodging incurred in the discharge of their duties under the rules adopted by the Board of Control.